

REMARKSI. Introduction

In response to the Office Action dated December 1, 2005, no claims have been cancelled, amended or added. Claims 1-19 remain in the application. Re-examination and re-consideration of the application is requested.

II. Prior Art Rejections

In paragraph (1) of the Office Action, claims 1-10, 12-14, and 17-19 were rejected under 35 U.S.C. §102(e) as being anticipated by Nishikawa et al, U.S. Patent No. 6,481,010 (Nishikawa). In paragraph (2) of the Office Action, claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nishikawa in view of Parry, U.S. Patent No. 5,710,941 (Parry). In paragraph (3) of the Office Action, claims 15 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nishikawa in view of Litteral et al., U.S. Patent No. 5,247,347 (Litteral).

Applicants' attorney respectfully traverse these rejections.

Applicants' attorney will first address the rejection of claim 1.

As a matter of background, one of the goals of the invention was to provide the end user with a method and system that put all of his multimedia content in the same framework, so he could locate and access content without having to be aware of a lot of information about where he might have to look for the content. For example, if the end user is interested in watching an audio/visual presentation of a particular automobile race, the system and method of the invention allows him to locate that content without having to know which service provider or broadcast medium is making that content available. The end user merely identifies coordinates within the multiple axis framework, such as "sports", "audio/visual", etc. and the system and method of the invention presents the options available to the user as defined by those coordinates. If the end user has not identified any preference regarding the source of the content, then the system and method of the invention may identify content from any source, such as the Internet, digital television, satellite television and video on demand.

Applicants' attorney submits that the Nishikawa reference does not describe such a system and method at all. The various media services it describes are all isolated from one another, and are not part of a "multiple axis framework" as per claim 1. For example, Figures 10 and 13 to 16 of the Nishikawa reference only identify digital satellite programming options. The only way to review the

available digital satellite options on the Nishikawa system is to request the page that lists them; a page which does not list any content available from any other source.

There is not one figure in the Nishikawa reference which presents available selections by mode or theme (for example), from multiple and different mediums. The Nishikawa system does not provide the end user with a single page that lists all of the available options for a given theme, regardless of the source. That is, it cannot list all "sports" programs, regardless of whether they are available on the Internet, digital television, satellite television and video on demand.

Thus, the Nishikawa reference does not describe a "multiple axis framework" in which each of the multimedia services are located, as explicitly defined in claim 1. Further, it does not allow a user to access all of those multimedia services by identifying medium-independent coordinates within the framework.

The balance of the method claims 2 to 17 all depend from claim 1, and therefore include at least the same limitations. The apparatus and system claims (claims 18 and 19 respectively), also include the same limitations as claim 1 and therefore distinguish from the Nishikawa reference in at least the same manner. The Parry and Litteral references do not describe any of the limitations missing from the Nishikawa reference, thus, it cannot be said that any of these claims are obvious in view of any combination of the three cited references.

The balance of the dependent claims 2 to 17 also include additional limitations which further distinguish them from the cited references. For example, the Office Action has alleged that claim 3 is anticipated by the disclosure of column 1, lines 59 – 65 of Nishikawa; Applicants' attorney respectfully disagrees. This text from Nishikawa purports to provide "seamless" access to various services, but it is only "seamless" in the sense that access is provided to the various services through the same physical device – one does not have to change devices, swap patch cords or perform any other manual exercise. But within the context of the Nishikawa GUI itself, there is still a very bright line between each of the services – each of the services appears on a different menu screen, and there is no way to view selections from various media at the same time, on the same menu screen.

This is completely different from making "content planes transparent to the user" as per claim 3. Claim 3 means that the user is able to view various selection options without knowing where the content is coming from. That is, the source of the content is transparent to the user. This concept is not described in the Nishikawa reference or in either the other cited references.

As well, it is clear that none of the cited references describe any of the functionality of the specific embodiments described in the chain of claims 5 through 13.

Applicants' attorney therefore requests that the rejections of the claims under 35 U.S.C. §102 and 35 U.S.C. §103 be withdrawn.

Thus, Applicants' attorney submits that independent claims 1, 18, and 19 are allowable over Nishikawa, Parry, and Litteral. Further, dependent claims 2-17 are submitted to be allowable over Nishikawa, Parry, and Litteral in the same manner, because they are dependent on independent claims 1, 18, and 19, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-17 recite additional novel elements not shown by Nishikawa, Parry, and Litteral.

### III. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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